

**BEFORE THE
BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**


In the Matter of the Accusation Against:)	Case No. 600-2015-000322
)	
REX BIERLEY, PhD)	
)	
12 Palisades Drive)	
Daly City, CA 94015)	
)	
Psychologist License No. PSY 11981)	
)	
Respondent.)	
<hr/>		

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Psychology, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on August 24, 2017

It is so ORDERED July 25, 2017



ANTONETTE SORRICK
EXECUTIVE OFFICER
BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS

1 XAVIER BECERRA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 DAVID CARR
Deputy Attorney General
4 State Bar No. 131672
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5538
6 Facsimile: (415) 703-5480
Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF PSYCHOLOGY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 600-2015-000322

11 **REX BIERLEY, Ph.D.**

12 12 Palisades Drive
13 Daly City, CA 94015

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14 Psychologist License No. PSY 11981

15 Respondent.

16
17
18 In the interest of a prompt and speedy settlement of this matter, consistent with the public
19 interest and the responsibility of the Board of Psychology of the Department of Consumer
20 Affairs, the parties hereby agree to the following Stipulated Surrender and Disciplinary Order
21 which will be submitted to the Board for approval and adoption as the final disposition of the
22 Accusation.

23 PARTIES

24 1. Antonette Sorrick (Complainant) is the Executive Officer of the Board of Psychology
25 (Board). She brought this action solely in her official capacity and is represented in this matter by
26 Xavier Becerra, Attorney General of the State of California, by David Carr, Deputy Attorney
27 General.

ORDER

IT IS HEREBY ORDERED that Psychologist License No. PSY 11981, issued to Respondent Rex Bierley, Ph.D., is surrendered and accepted by the Board of Psychology.

1. The surrender of Respondent's Psychologist License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board of Psychology.

2. Respondent shall lose all rights and privileges as a psychologist in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 600-2015-000322 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. Respondent may not petition for reinstatement of a surrendered license for three (3) years from the effective date of this Decision. If the Board grants future reinstatement, Respondent agrees to reimburse the Board for its costs of investigation and enforcement of this matter in the amount of \$6,028.00, payable to the Board upon the effective date of such reinstatement decision.

6. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 600-2015-000322 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

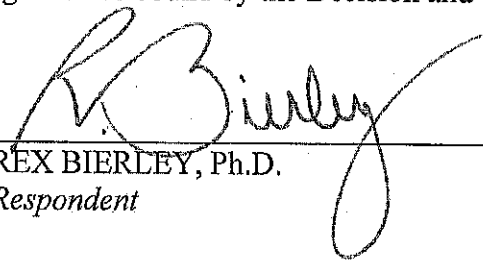
///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Trevor Zink, Esq. I understand the stipulation and the effect it will have on my Psychologist License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Psychology.

DATED: 7/5/2017


REX BIERLEY, Ph.D.
Respondent

I have read and fully discussed with Respondent Rex Bierley, Ph.D. the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 7-5-2017


TREVOR ZINK, Esq.
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Psychology of the Department of Consumer Affairs.

Dated: July 11, 2017

Respectfully submitted,
XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General



DAVID CARR
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 600-2015-000322

1 XAVIER BECERRA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 DAVID CARR
Deputy Attorney General
4 State Bar No. 131672
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5538
6 Facsimile: (415) 703-5480
Attorneys for Complainant.

FILED
STATE OF CALIFORNIA
BOARD OF PSYCHOLOGY
SACRAMENTO, June 1, 2017
BY [Signature]

7
8 **BEFORE THE**
9 **BOARD OF PSYCHOLOGY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 600-2015-000322

13 **REX BIERLEY, Ph.D.**

14 12 Palisades Drive
15 Daly City, CA 94015

A C C U S A T I O N

16 Psychologist License No. PSY 11981

Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Antonette Sorrick ("Complainant") brings this Accusation solely in her official
21 capacity as the Executive Officer of the Board of Psychology, Department of Consumer Affairs.

22 2. On March 4, 1991, the Board of Psychology issued Psychologist License Number
23 PSY 11981 to Rex Bierley, Ph.D. ("Respondent"). The Psychologist License expired on October
24 31, 2016, and has not been renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Psychology ("Board"), Department of
27 Consumer Affairs, under the authority of the following laws. All section references are to the
28 Business and Professions Code unless otherwise indicated.

1 4. Section 2920.1 makes public protection the highest priority for the Board.

2 5. Section 2936 requires that the Board apply the Ethical Principles of Psychologists and
3 Code of Conduct of the American Psychological Association as the standard of ethical conduct
4 for psychologists in California.

5 A. Section 3.05 of the Ethical Principles of Psychologists and Code of Conduct
6 forbids psychologists from entering into multiple relationships "if the multiple
7 relationship could reasonably be expected to impair the psychologist's objectivity,
8 competence, or effectiveness...."

9 B. Section 3.08 of the Ethical Principles of Psychologists and Code of Conduct
10 states, in relevant part: "Psychologists do not exploit persons over whom they
11 have supervisory, evaluative, or other authority, such as clients/patients, students,
12 supervisees...."

13 C. Section 7.07 of the Ethical Principles of Psychologists and Code of Conduct
14 states: "Psychologists do not engage in sexual relationships with students or
15 supervisees who are in their department, agency, or training center or over whom
16 psychologists have or are likely to have evaluative authority."

17 6. Section 2960 of the Code states:

18 "The board may refuse to issue any registration or license, or may issue a registration or
19 license with terms and conditions, or may suspend or revoke the registration or license of any
20 registrant or licensee if the applicant, registrant, or licensee has been guilty of unprofessional
21 conduct. Unprofessional conduct shall include, but not be limited to:

22 "(a) Conviction of a crime substantially related to the qualifications, functions or duties of
23 a psychologist or psychological assistant.

24 "(b) Use of any controlled substance as defined in Division 10 (commencing with Section
25 11000) of the Health and Safety Code, or dangerous drug, or any alcoholic beverage to an extent
26 or in a manner dangerous to himself or herself, any other person, or the public, or to an extent that
27 this use impairs his or her ability to perform the work of a psychologist with safety to the public.

28

1 "(c) Fraudulently or neglectfully misrepresenting the type or status of license or
2 registration actually held.

3 "(d) Impersonating another person holding a psychology license or allowing another person
4 to use his or her license or registration.

5 "(e) Using fraud or deception in applying for a license or registration or in passing the
6 examination provided for in this chapter.

7 "(f) Paying, or offering to pay, accepting, or soliciting any consideration, compensation, or
8 remuneration, whether monetary or otherwise, for the referral of clients.

9 "(g) Violating Section 17500.

10 "(h) Willful, unauthorized communication of information received in professional
11 confidence.

12 "(i) Violating any rule of professional conduct promulgated by the board and set forth in
13 regulations duly adopted under this chapter.

14 "(j) Being grossly negligent in the practice of his or her profession.

15 "(k) Violating any of the provisions of this chapter or regulations duly adopted thereunder.

16 "(l) The aiding or abetting of any person to engage in the unlawful practice of psychology.

17 "(m) The suspension, revocation or imposition of probationary conditions by another state
18 or country of a license or certificate to practice psychology or as a psychological assistant issued
19 by that state or country to a person also holding a license or registration issued under this chapter
20 if the act for which the disciplinary action was taken constitutes a violation of this section.

21 "(n) The commission of any dishonest, corrupt, or fraudulent act.

22 "(o) Any act of sexual abuse, or sexual relations with a patient or former patient within two
23 years following termination of therapy, or sexual misconduct that is substantially related to the
24 qualifications, functions or duties of a psychologist or psychological assistant or registered
25 psychologist.

26 "(p) Functioning outside of his or her particular field or fields of competence as established
27 by his or her education, training, and experience.

28

1 12. A.B.¹ was a fourth year student working on a doctorate in psychology when she was
2 admitted to a one year practicum at a Kaiser Permanente facility where Respondent was
3 employed as a supervisor in the psychology department. Respondent accepted A.B. into the
4 program as his supervisee in the fall of 2014. Respondent was aware of the ethical restrictions of
5 the supervisor/supervisee relationship, as evidenced by an October 14, 2014 e-mail he wrote to
6 A.B., declining her offer of a walk on the beach: "It would undoubtedly be fun, but recall the
7 rules on dual relationship. That friendship will have to wait until much later in your career."

8 13. The e-mail and text communications between Respondent and A.B. grew in number
9 and became increasingly intimate. In an e-mail on February 1, 2015, Respondent stated that he
10 likes to think about A.B. taking a shower. A week later, Respondent wrote: "My only fear
11 involves professional consequences, including the possibility of being fired and losing my
12 license." Despite that justified concern, over the next two months the written communication
13 between Respondent and A. B. became more explicit and sexual: Respondent asked about details
14 of her sexual history and refers to his state of sexual excitement when texting her. In February
15 and March of 2015, Respondent and A.B. met at his home and hers and engaged in physical
16 intimacy which included Respondent's touching A.B.'s breasts and buttocks and placing A.B.'s
17 hand on his clothed penis. Respondent gave A.B. presents and offered to buy her jewelry and
18 lingerie. A.B. stated to Board investigators that Respondent's conduct made her confused and
19 uncomfortable. Respondent continued to act as A.B.'s supervisor in the psychology practicum
20 during this time.

21 14. On March 11, 2015, A.B. told her therapist about the relationship; the following day
22 A.B. informed her graduate school. The school terminated A.B.'s practicum with Respondent
23 and informed Respondent's employer of the relationship.

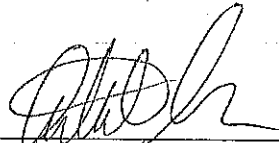
24 15. Respondent has subjected his license to disciplinary action under section 2960(o) for
25 engaging in sexual misconduct substantially related to the qualifications, functions, or duties of a
26 psychologist.

27 ¹ The student trainee is identified herein by the letters "A.B." to preserve confidentiality.
28 The student trainee's identity is known to Respondent and will be provided in discovery.

1 2. Ordering Rex Bierley, Ph.D. to pay the Board of Psychology the reasonable costs of
2 the investigation and enforcement of this case, and, if placed on probation, the costs of probation
3 monitoring; and,

4 3. Taking such other and further action as deemed necessary and proper.
5

6
7
8 DATED: June 1, 2017



9 ANTONETTE SORRICK
10 Executive Officer
11 Board of Psychology
12 Department of Consumer Affairs
13 State of California
14 *Complainant*
15
16
17
18
19
20
21
22
23
24
25
26
27
28